

Message Text

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ACTION ARA-14

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FM AMEMBASSY PANAMA
TO SECSTATE WASHDC PRIORITY 6116

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STADIS////////////////////////////////

FROM AMBASSADOR JORDEN

E.O. 11652: N/A
TAGS: PEPR, PN
SUBJECT: TREATY IMPLEMENTATION - ROLE OF THE AMBASSADOR

REF: STATE 60936

1. I AGREE; DOD'S LATEST PROPOSAL COMPLETELY FAILS TO SERVE
OUR OBJECTIVE OF SUCCESSFUL TREATY IMPLEMENTATION.

2. I HAVE NO OBJECTION TO REAFFIRMING THAT THE RELATIONSHIP
BETWEEN THE AMBASSADOR AND THE AREA MILITARY COMMANDER HERE
BE THE SAME AS IN ANY OTHER FOREIGN COUNTRY. HERE, AS ANY-
WHERE, THE LATTER IS PROPERLY RESPONSIBLE TO THE PRESIDENT
AS COMMANDER-IN-CHIEF; THIS PATTERN OF OFFICIAL RELATIONSHIPS
IS A WELL-ESTABLISHED AND GENERALLY WORKABLE ONE. BUT IT
WOULD BE A FUNDAMENTAL ERROR TO ACCEPT DOD'S DESIRE TO
AFFORD A SIMILAR LEGAL AUTONOMY TO THE CANAL COMMISSION.
NO MATTER WHAT AGENCY OVERSEES THE CANAL OPERATION, IT WILL
NOT BE A MILITARY RESPONSIBILITY OF THE COMMANDER-IN-CHIEF.
IT WILL BE A CIVILIAN AGENCY, AND THERE IS ABSOLUTELY
NO REASON TO ACCEPT SUCH AN UNPRECEDENTED LEGAL STATUS
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IN A FOREIGN COUNTRY.

3. NO ONE HAS PUBLICLY JUSTIFIED WHY THE COMMISSION
SHOULD BE DIFFERENT IN THIS MANNER. NOT TO MINCE
WORDS, THE DOD/ARMY/PANCANAL UNSTATED ASSUMPTION IS
THAT THE AMBASSADOR WILL EITHER HAVE A VESTED BUREAU-
CRATIC INTEREST IN 'KEEPING PANAMA HAPPY' AT THE EXPENSE

OF US OPERATIONAL INTERESTS IN THE CANAL OR WILL SEEK TO 'RUN THE CANAL'. BUT IN MY VIEW, HE WOULD DO NEITHER; THE AMBASSADOR'S PROPER ROLE IS TO GET PANAMA TO DO THAT WHICH IS IN THE US NATIONAL INTEREST, WITH THE LEAST POSSIBLE FUSS AND FRICTION IN THE PROCESS.

4. THE PRESIDENT AND CONGRESS HAVE RECOGNIZED FOR YEARS THAT AMBASSADORIAL AUTHORITY OVER AND RESPONSIBILITY FOR ALL ASPECTS OF CIVILIAN USG ACTIVITY IN HIS COUNTRY OF ASSIGNMENT PROVIDE THE ONLY WAY THE US CAN PURSUE A COHERENT FOREIGN POLICY. IF ONE ACCEPTS THAT AN OVERSEAS OPERATION OF A CIVILIAN AGENCY SHOULD BE LEGALLY EXEMPT FROM THAT AUTHORITY, ONE STARTS A PERNICIOUS PROCESS OF WATERING DOWN STATUTES AND PRESIDENTIAL POLICY DIRECTIVES ESTABLISHED TO FURTHER THE US NATIONAL INTEREST. THIS OBJECTION TRANSCENDS THE LOCAL SITUATION.

5. ONE CANNOT SPEAK OF INSULATING THE 'TECHNICAL' CANAL OPERATION FROM US-PANAMA BILATERAL RELATIONS. THOSE RELATIONS, AND THE NEW TREATIES, ARE ABOUT THE CANAL. ALL OTHER CONSIDERATIONS ARE SECONDARY, AND THE NEW TREATIES WILL NOT CHANGE THIS. IF THE USG EXPECTS TO MAKE A SUCCESS OF TREATY IMPLEMENTATION, IT BADLY NEEDS TO GET ITS OWN ACT TOGETHER. IF THE AMBASSADOR, THE PRESIDENT'S PERSONAL REPRESENTATIVE RESPONSIBLE FOR LIMITED OFFICIAL USE

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RELATIONS WITH PANAMA, IS FACED WITH AN ADMINISTRATOR LEGALLY FREE TO FORMULATE AND PURSUE HIS OWN FOREIGN POLICY TOWARD PANAMA, THE RESULT WILL BE A MESS.

6. WHETHER ANYONE IN DOD REALIZES IT OR NOT, THE ADMINISTRATOR IS GOING TO BADLY NEED THE SUPPORT AND PROTECTION THAT AN AMBASSADOR CAN PROVIDE. STATE AND THE AMBASSADOR HAVE AN EXPERTISE IN DEALING WITH FOREIGN GOVERNMENTS WHICH THE ADMINISTRATOR MAY WELL LACK. MOST PROBLEMS WILL UNDOUBTEDLY LEND THEMSELVES TO BEING WORKED OUT IN THE COMMISSION. BUT WILLY-NILLY OTHERS WILL BE RAISED TO THE GOVERNMENT-TO-GOVERNMENT LEVEL. BOTH THE U.S. GOVERNMENT AND THE ADMINISTRATOR HIMSELF WILL BE WELL-SERVED IF THE AMBASSADOR IS PROPERLY EMPOWERED TO PROMOTE OUR INTERESTS. IN THE PAST, THE GOVERNOR HAS BEEN ABLE TO EFFECTIVELY IGNORE THE WISHES OF THE PANAMANIAN GOVERNMENT. IN THE FUTURE, THE SITUATION WILL NOT BE SO ONE-SIDED. IF, IN THE FUTURE, THE ADMINISTRATOR, BY ANY ACT OR OMISSION, HOWEVER EASILY REMEDIABLE, COMMITS A MISSTEP IN HIS RELATIONS WITH PANAMA, THERE WILL BE NO MEANINGFUL CHANNEL TO DEAL WITH THE SITUATION. WE WOULD BE WELL ADVISED TO HAVE

ON THE SCENE SOMEONE WHO COULD SPEAK WITH THE VOICE OF
THE ENTIRE U.S. GOVERNMENT.

7. SEPARATION OF THE ADMINISTRATOR FROM THE AMBASSADOR'S
AUTHORITY IS AN OPEN AND CONTINUING INVITATION TO
FRICTION BETWEEN THE TWO, AND TO EXPLOITATION OF THE
SEPARATION BY PANAMA, TO THE DETRIMENT OF THE CANAL
OPERATION AND OUR OVERALL INTERESTS HERE. IT IS
SOMETHING THAT THE DEPARTMENT MUST NOT ALLOW TO HAPPEN.
JORDEN

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